



# IOWA

## Department of Education

Ann Lebo, Director

Kim Reynolds, Governor  
Adam Gregg, Lt. Governor

September 20, 2021

Samia Hamdan  
Midwest Regional Office  
United States Department of Agriculture  
77 W. Jackson Blvd., 20<sup>th</sup> Floor  
Chicago, Illinois 60604

RE: Waiver Request to Allow Parents and Guardians to Pick up Fresh Fruit and Vegetable Program (FFVP) Snacks for Children

**1. State agency submitting waiver request and responsible State agency staff contact information:**

Iowa Department of Education (Department), Bureau of Nutrition and Health Services

Kala Shipley, Bureau Chief, [kala.shipley@iowa.gov](mailto:kala.shipley@iowa.gov), 515-281-4757

Stephanie Dross, Program Consultant, [stephanie.dross@iowa.gov](mailto:stephanie.dross@iowa.gov), 515-281-4760

**2. Region: Midwest**

**3. Eligible service providers participating in waiver and affirmation that they are in good standing:**

The Iowa Department of Education is requesting the waiver on behalf of any School Food Authority (SFA) approved to operate the Fresh Fruit and Vegetable Program (FFVP) during the 2021-2022 school year, who are deemed by the State Agency to be in good standing.

**4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the program, and the expected outcomes if the waiver is grants. [Section 12(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:**

In school year 2021-2022, Iowa schools have returned to 100% in-person learning. Schools may, however, be presented with situations where individual students may be learning virtually. As such, SFAs may have to implement strategies to provide non-congregate meals.

The Iowa Department of Education is requesting approval for SFAs participating in the FFVP to distribute FFVP snacks to a parent or guardian without their child present during a scenario where meals/snacks are being distributed in a non-congregate manner.

This request will support SFAs in their efforts to provide continued access to nutritious FFVP snacks while maximizing student participation in their FFVP throughout the school year.

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Without the waiver, children may lose access to the healthy FFVP snacks they have previously been provided and increase their risk of hunger.

**5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:**

**Section 19 of the NSLA [42 U.S.C. 1769a]**

A school participating in the FFVP shall make free fresh fruits and vegetables available to students throughout the school day in one or more areas designated by the school (Section 19 of the NSLA), however the Iowa Department of Education is requesting a waiver to allow parents to pick up the FFVP snack without their children present, with the intent that the snack will be given to the eligible children at home.

**6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:**

If approved, this request will waive the regulatory requirement to make FFVP snacks available to students and allow for FFVP snacks to be taken by parents and guardians without their children being present. Instead, FFVP approved sites would be permitted to distribute FFVP snacks to parents or guardians for the children enrolled at the elementary school. Parents would then provide the FFVP snack to these children at home so they may continue to receive fresh fruits and vegetables under FFVP. The State agency will provide technical assistance to SFAs to maintain required FFVP documentation. SFAs will continue to submit FFVP claims for reimbursement.

There is no expected impacts on technology, State systems, or monitoring.

**7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(2)(A)(ii) of the NSLA]:**

Iowa does not have any State statutory or regulatory barriers that apply to this waiver request.

**8. Anticipated challenges State or eligible service providers may face with the waiver implementation:**

No challenges for State or SFAs are anticipated in implementation of this waiver.

Implementation of this waiver will decrease the challenges faced by SFAs and families who rely on nutritious snacks.

**9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(l)(1)(A)(iii) of the NSLA]:**

The requested waiver does not impact the overall cost of the program to the State or federal government. Only schools awarded FFVP funds would be eligible for this waiver.

**10. Anticipated waiver implementation date and time period:**

This waiver will be implemented immediately upon receiving approval with the first day of school and will continue through June 30, 2022 or the last day of the 2021-2022 school year, whichever is sooner.

**11. Proposed monitoring and review procedures:**

The State Agency will continue to carry out normal state agency monitoring using in-person and/or virtual reviews. Schools found to have noncompliance issues as related to this waiver will work with the State agency on an individualized corrective action plan.

**12. Proposed reporting requirements (include type of data and due date(s) to FNS):**

No later than December 31, 2022, the Department will report to FNS the following:

- Number of SFAs electing to use this waiver
- Number of schools that actually used the waiver during the program year
- Amount of funds spent on FFVP during the start of this waiver to the end of the school year

**13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:**

<https://educateiowa.gov/pk-12/nutrition-programs/fresh-fruit-and-vegetable-program-ffvp>

**14. Signature and title of requesting official:**

  
Title: Kala Shipley, Bureau Chief

Requesting official's email address for transmission of response:

[kala.shipley@iowa.gov](mailto:kala.shipley@iowa.gov)

[stephanie.dross@iowa.gov](mailto:stephanie.dross@iowa.gov)

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**TO BE COMPLETED BY FNS REGIONAL OFFICE:**

*FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.*

**Date request was received at Regional Office:**

- ☐ **Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA**

**Regional Office Analysis and Recommendations:**

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- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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